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Chairman: Ms. Hallum ..... (New Zealand)

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The meeting was called to order at 3.15 p.m.

Agenda item 154: United Nations Decade of International Law (*continued*)

(a) United Nations Decade of International Law (*continued*) (A/54/362)

(b) Outcome of the action dedicated to the 1999 centennial of the first International Peace Conference (*continued*) (A/54/98, A/54/581)

1. **Ms. Partiban** (Malaysia), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that, in conformity with its view that conflicts should be settled amicably through discussion and dialogue, ASEAN had made serious efforts to contribute to the promotion of peace and stability, particularly in the ASEAN region, by adopting a comprehensive approach to regional security and the establishment of a network of various arrangements, mechanisms, agreements and treaties. In addition, it had established dispute settlement mechanisms, thus enabling its members to better appreciate precepts of international law such as the peaceful settlement of disputes and respect for the territorial integrity and sovereignty of States.

2. In connection with the negotiation and drafting of treaties, which were a main source of international law, ASEAN believed that the views of as many countries as possible should be taken into consideration and greater efforts made to reach consensus, particularly on controversial issues, with the aim of rendering the final text more conducive to universal acceptance. As in the past, ASEAN members would continue to participate actively in the progressive development and codification of international law and to seek initiatives to strengthen the United Nations system for the maintenance of international peace and security.

3. Since one of the main objectives of the Decade was to encourage the teaching, study, dissemination and wider appreciation of international law, it was gratifying to note that the United Nations programme established for that purpose had continued to award fellowships financed through voluntary funds. More deserving and qualified people from developing countries should be granted such fellowships.

4. She noted with satisfaction the financial and legal support provided by United Nations institutions to developing nations and nations with economies in transition with a view to facilitating their participation in the negotiation and development of multilateral agreements, thus enhancing general acceptance of and respect for the principles of international law. She was equally pleased to note the on-line version of the United Nations *Treaty Series* and looked forward to further improvement of the United Nations Web sites on international law and related matters. In that connection, she welcomed the proposal to impose a user fee, with the proviso that any such fee should be reasonable and that special consideration, such as free access, should be given to users from developing countries. Since document retrieval from such Web sites was highly efficient, free on-line access for Permanent and Observer Missions, foreign ministries and members of the United Nations family should continue.

5. In conclusion, she thanked the Governments of the Netherlands and the Russian Federation for their initiative in hosting the commemoration of the first International Peace Conference of 1899, as well as her deep appreciation to the Movement of Non-Aligned Countries for initiating the Decade, which had promoted the further development of international law, international cooperation, peace and security.

6. **Mr. Chaturvedi** (India) said that the Charter of the United Nations, the International Court of Justice and the International Law Commission interacted with and reinforced each other in strengthening the foundations of the international legal order. Their respective fiftieth anniversaries, celebrated during the Decade, had provided an opportunity to review and assess their roles and identify the areas in which they needed improvement or strengthening.

7. Providing as it did a forum for the negotiation of important legal instruments, the United Nations played a central role in the development of international law on various subjects with a view to their codification. In this connection, the entry into force of the United Nations Convention on the Law of the Sea was particularly significant, since it represented the first major codification exercise undertaken by the United Nations in which the newly independent developing countries had taken part. Having noted the wide range of multilateral conventions adopted under the auspices of the United Nations during the Decade, he expressed the hope that the Committee's Working Group would soon be in a position to develop a comprehensive universal convention on the suppression of terrorism. The International Court of Justice had also played a very active role during the Decade; among other things, it had given an advisory opinion on the legality of the use of nuclear weapons that was both significant and enlightening and it was currently considering several cases involving other important issues.

8. Lack of expertise, inadequate financial resources and coordination difficulties had adversely affected the effective participation of the developing countries in negotiations conducted at a number of vital international meetings hosted by the United Nations. The negotiation of multilateral treaties was consequently a matter of increasing concern, especially since issues of concern to developing countries were not being given the needed weight and priority. As a result, the goal of achieving a universal international legal framework with wide support from all sections of the international community was becoming more distant. Similarly, not all States were able to provide regular and timely responses with the appropriate seriousness of purpose to the questionnaires circulated concerning the issues before the International Law Commission. Its work was therefore becoming increasingly responsive to the interests and views of a select group of States which were able to coordinate their positions and present them with a certain unity of purpose. Furthermore, the International Court of Justice appeared to be experiencing difficulties in processing the cases before it, its resources having failed to grow in proportion to the significant increase in its caseload.

9. It was essential that Member States should continue to receive free access to the on-line version of the United Nations *Treaty Series* in view of the extremely important role which it played in the dissemination of all treaty-related information. He noted with concern, however, that efforts to update the *Treaty Series* were seriously hampered by the very slow pace of translation. More efficient translation mechanisms, including specific budgetary resources for treaty translation, should therefore be given serious consideration as a means of eliminating the backlog.

10. Lastly, there was now a greater need to identify institutions of excellence and encourage interaction among sufficient numbers of young people with a view to the worldwide promotion and development of expertise in international law. The universal participation of all States in the progressive development and codification of international law was the only guarantee for evolving a just and equitable legal order.

11. **Mr. Hetesy** (Hungary) said he wished to align himself with the statement of the European Union. He also wished to draw attention to various regional and international symposia and conferences on international law topics which had taken place in Hungary too recently to be reflected in the report of the Secretary-General on the Decade (A/54/362). Of particular importance was a symposium on international humanitarian law held in Budapest in September 1999 on the fiftieth anniversary of the Geneva Conventions with the aim of contributing to a worldwide campaign to promote full respect for and effective implementation of international law. Its agenda had been expressly formulated with a view to directly furthering the main purposes of the Decade, while its conclusions both echoed and reinforced the sentiments expressed during the centennial of the first International Peace Conference. The importance of effective measures for the enforcement of international law and the need to make use of existing mechanisms had been recurrent themes of the discussions. The participants had also emphasized that States should ensure the national implementation of international humanitarian law through the adoption of appropriate legislative, administrative and practical measures.

12. In that connection, the Hungarian Parliament was expected to adopt a decision to reissue the four Geneva Conventions in a single document in the near future and a national interministerial commission on humanitarian law had been established as a practical means of ensuring the enhanced implementation of international humanitarian law in Hungary.

13. **Ms. Raguž** (Croatia) said that the numerous activities undertaken by the United Nations, its specialized agencies and Member States during the Decade had been designed to increase public awareness of the role and importance of international law in daily life. The report of the Secretary-General (A/54/362) was an excellent source of information on the results achieved. Her delegation regretted, however, that it had been issued only two working days before the Sixth Committee had been scheduled to consider the item.

14. While the Decade would undoubtedly be remembered for the conclusion of many significant multilateral treaties, its main achievement had been the adoption of the Rome Statute of the International Criminal Court. The Court represented a new stage in the evolution of a new world order which would profoundly influence the conduct of domestic and foreign policy. Enormous progress had been made in the field of international criminal law. On the eve of the next millennium, the international community had come even closer to the ideal of equal justice for all.

15. The Decade had witnessed the creation of a number of new dispute settlement mechanisms, including those established under the auspices of the United Nations Convention on the Law of the Sea and the World Trade Organization. A growing number of States had accepted the optional clause in Article 36, paragraph 2, of the Statute of the International Court of Justice, and the number of cases before the Court had grown to such proportions as to jeopardize the Court's ability to deal with them in a timely fashion.

16. It was regrettable that even during the Decade, some countries had rejected the option of the peaceful settlement of disputes and had resorted to violations of international law, particularly humanitarian law, in order to accomplish their political agendas. In some cases the response of the international community had been commendably swift and decisive. The Decade had witnessed the establishment of ad hoc international tribunals aimed at eradicating the culture of impunity in respect of the most heinous crimes. At the same time, in cases involving extreme violations of international law, in which any delay in responding either would have led to a humanitarian catastrophe or would have devastated international peace and security, immediate international intervention had sometimes been used.

17. Her country was among those which had resorted to the jurisdiction of the International Court of Justice during the Decade: it had sought a judgement regarding breaches of the customary rules of international law, embodied in the Convention on the Prevention and Punishment of the Crime of Genocide, that had been committed by the forces of a neighbouring country in Croatian territory.

18. A number of significant Decade-related events had taken place in her country during the past year. The Diplomatic Academy of the Ministry of Foreign Affairs, together with the Zagreb School of Law and the Croatian International Law Association, had organized national and international seminars, symposia and lectures. Her Government deeply regretted, however, that the visit of officials of the Treaty Section of the Office of Legal Affairs, scheduled for the purpose of exchanging views between United Nations and Croatian legal officers, had not yet taken place. On the other hand, the Ministry of Foreign Affairs had established a database containing information on all the bilateral and multilateral treaties to which her country was a party.

19. Her delegation attached great importance to the policy of providing Internet access to the *Multilateral Treaties Deposited with the Secretary-General* and the United Nations *Treaty Series*. The addition of those collections to the United Nations Web site in 1995 and 1997, respectively, had been a fundamental step in the right direction.

20. As indicated in the document A/54/362, demand had now surpassed the Web site's capacity to serve the growing number of users. Additional funding was essential in order to address that issue, improve the site, introduce new features and meet ongoing maintenance costs. The Secretary-General's suggestion that the number of potential subscribers with free access to the United Nations *Treaty Collection* on-line should be kept to a minimum was prudent. Furthermore, fees should be levied upon the widest group of users in order to be economically feasible.

21. Her delegation attached particular importance to the project undertaken by the Treaty Section to clear the historical backlog by 2001. Those efforts would be in vain, however, so long as the Treaty Section continued to be hampered by the lack of efficient translation mechanisms. In view of the immense workload of the United Nations translation services and the priorities under which they operated, it seemed logical and advisable to allow the Treaty Section to use the financial resources allocated for translation purposes outside the United Nations system.

22. **Mr. Dos Santos** (Mozambique) said it was necessary to take stock of what had been achieved during the Decade in order to prepare for the challenges ahead. Many important conventions had been adopted, including a number of conventions regulating specific areas of international environmental law adopted in compliance with the guiding principles contained in the Rio Declaration on Environment and Development. Another major achievement had been the entry into force of the United Nations Convention on the Law of the Sea in 1994. Moreover, the subsequent establishment and effective functioning of related organs such as the International Tribunal for the Law of the Sea constituted an additional and specialized forum for the peaceful settlement of disputes in parallel with the International Court of Justice. Both institutions should be provided with adequate resources in order to ensure their efficient functioning. The Office of Legal Affairs deserved special commendation for its continued efforts in such areas as implementing the programme of activities for the Decade and launching the electronic database for the United Nations *Treaty Series*. He also commended the contribution made by some Member States to the implementation of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law and thanked all those organizations which had organized related symposia, seminars and meetings.

23. Mozambique respected and applied the principles of international law embodied in the Charter of the United Nations and the Charter of the Organization of African Unity. It had participated actively in many international forums at the subregional, regional and international levels at which important treaties had been adopted. During the Decade Mozambique had ratified several international instruments, including the Convention on the Law of the Sea, the Convention on Biological Diversity, the Ottawa Convention on Landmines and many drug-related agreements.

24. In 1998 the Legal Department of the Ministry of Foreign Affairs and Cooperation of Mozambique had organized a seminar on the role of international law in Mozambique. In May 1999 Mozambique had hosted the first meeting of States parties to the Ottawa Convention on Landmines.

25. At the subregional level, Mozambique had hosted the 1999 Summit of Heads of State and Government of the Southern African Development Community, which had adopted regional legal instruments on wildlife conservation and law enforcement. The participants had also noted the entry into force of the Charter of the Regional Tourism Organization of Southern Africa and of regional protocols on shared watercourse systems, energy, transport, communications, meteorology and illicit drug trafficking.

26. In a world in which rapid globalization made cooperation among nations an imperative, and war and violence continued to claim lives and cause social and economic havoc, the purposes of the Decade remained as valid as they had been 10 years earlier. All peace-loving nations must remain committed to the goals of the Decade in order to build a world guided by the rule of law and free of violence and poverty.

27. **Mr. Chaudhary** (Nepal) said that in the concluding year of the Decade, he was pleased to note that the Decade had been largely successful in meeting the goals set by the General Assembly in resolution 44/23. The many significant international legal instruments adopted during the Decade in the areas of human rights, disarmament, the environment, security and, most importantly, the Rome Statute of the International Criminal Court were important building blocks in the construction of a world capable of dealing with issues threatening international peace and security and ending a culture of impunity.

28. Nepal fully supported the objectives of the Decade and had worked actively to make it a success. During the Decade, Nepal had signed and ratified a number of international treaties and conventions dealing with human rights. It had also ratified the Convention on the Law of the Sea and the convention on chemical weapons and signed the Comprehensive Nuclear-Test-Ban Treaty, the Nuclear Non-Proliferation Treaty and the International Convention for the Suppression of Terrorist Bombings.

29. However, the codification of international law would achieve little without real compliance. Nepal was in the process of harmonizing its national legislation with the provisions of international treaties and conventions. With a view to their wider dissemination in the country, the Government had undertaken the translation of those instruments into the national language. Commitment to human rights was firmly rooted in the national constitution and occupied a central place in the policy of the Government of Nepal. In that light, his delegation particularly welcomed the completion of the draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

30. His delegation also supported the draft resolution requesting the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime to intensify its work with a view to completing the draft convention in the year 2000.

31. **Ms. Ramoutar** (Trinidad and Tobago) said it was worth recalling that observance of the Decade had originally been an initiative of the Non-Aligned Movement aimed at promoting acceptance of the principles of international law and peaceful settlement of disputes.

32. The Secretary-General's very comprehensive report (A/54/362) had shown that States had made commendable efforts to make international law more relevant and accessible to their peoples. The international community had organized a host of activities to disseminate information. A large number of conventions had been adopted in areas such as criminal law, the environment, the law of the sea, disarmament, terrorism, human rights and trade. New institutions of enforcement had been established.

33. However, adopting conventions was only the first step. States needed to summon the political will to ratify or accede to the conventions and agreements which had still not entered into force. Beyond that, they must show willingness to adhere to the legal commitments they had entered into.

34. One of the most significant achievements of the Decade, in the view of her delegation, was the adoption of the Rome Statute of the International Criminal Court. Trinidad and Tobago had ratified the statute on 6 April 1999 and had been working to encourage the other States of the Caribbean Community (CARICOM) to do the same. At the regional level, the Organization of American States had had noteworthy successes in the area of treaty-making. At the subregional level, an agreement establishing the Caribbean Court of Justice, to be located in Port of Spain, had been approved by the CARICOM Heads of Government and should be opened for signature early in 2000. It would be a court of original and appellate jurisdiction with respect to the interpretation and application of the Treaty Establishing the Caribbean Community.

35. With respect to the peaceful settlement of disputes, Trinidad and Tobago recognized the important role played

by the International Court of Justice in ensuring the rule of law. Her delegation was encouraged that States, and especially developing countries, were resorting more frequently to the jurisdiction of the Court, but was concerned that the resources with which the Court was functioning were inadequate to the increased workload. Her delegation hoped that appropriate measures would be taken by the Advisory Committee on Administrative Budgetary Questions and the Fifth Committee and commended the members of the Court for their efforts to achieve greater efficiency.

36. Her delegation was pleased that the new International Tribunal for the Law of the Sea had already begun to hear cases. During the Decade, the International Law Commission had also done much valuable work in codifying international law. Many developing countries, including Trinidad and Tobago, had benefited from the seminars, courses and fellowship programmes organized under the auspices of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. Her delegation wished to express appreciation to the States which had contributed voluntary funds to those programmes.

37. The Office of Legal Affairs was to be commended for its role in implementing the objectives of the Decade. Developments in the establishment of the electronic United Nations *Treaty Series* and an on-line library of international law would help to make international law more accessible to Member States, institutions, universities and students.

38. Her delegation wished to thank the Governments of the Netherlands and the Russian Federation for hosting the events commemorating the centennial of the first International Peace Conference and was particularly grateful that the reports, comments and speeches had been made available on the Internet.

39. In assessing the achievements of the Decade and recognizing what remained to be done, the States should undertake to make international law a more tangible reality in the lives of their citizens.

40. **Mr. Edmond** (Haiti) said that his delegation wished to congratulate the Governments of the Netherlands and the Russian Federation on the great success of the events held to commemorate the centennial of the first International Peace Conference, events which had made a significant contribution to the ongoing efforts of the international community to strengthen, disseminate and promote international law.

41. The decision of the United Nations to launch the Decade just when the cold war was ending demonstrated the commitment of Member States to build an interdependent world based on the rule of law. Unfortunately, the Decade had also been marked by new activities. Those acts of violence had increased the determination to put an end to the impunity of perpetrators of crimes against humanity, and that determination had led to the establishment of international tribunals to punish those responsible for atrocities and to the adoption of the Rome Statute of the International Criminal Court. The Decade had also seen much progress in the codification of other aspects of international law. Appropriate means of peaceful settlement of dispute existed; if they were ineffective, it was due to the lack of a political will to utilize them.

42. The international community must recognize the need for immediate responses to horrifying events. Too often the Security Council delayed in dealing with an urgent situation. There was a need to develop a new mechanism for the rapid deployment of a security presence in the event of a crisis. Usable instruments of international law existed, but on occasion the very nations that had created them chose to ignore them for their own ends. The problem, then, lay not in international law as such but in the lack of political will to prevent or respond to tragedies like those in Rwanda and Kosovo and to punish the authors of atrocities. There could well be more tragedies if the international community did not start to insist on the strict application of the principles of international law.

43. **Mr. Korzachenko** (Ukraine) said that the Decade had been highly instrumental in further advancing the international legal system and enhancing its effectiveness. He wished to thank the delegations of the Netherlands and the Russian Federation for their report on the conclusions emerging from the centennial events held in commemoration of the first International Peace Conference (A/54/381) on the topics of peaceful settlement of international disputes, development of international humanitarian law and disarmament. Those conclusions deserved to be implemented on a priority basis.

44. His delegation was pleased to note the growing recourse by States to means of peaceful settlement of disputes, as evidenced by the increased caseload of the International Court of Justice, the commencement of the work of the International Tribunal for the Law of the Sea and the creation of a number of regional judicial organs.

45. The adoption of the Rome Statute of the International Criminal Court had not only been the main development in the field of international humanitarian law in the past decade but was also a major component of the future system of international security. Compliance with existing

humanitarian law could now take priority over the formulation of new laws in that domain.

46. His delegation concurred with the idea expressed during the centennial events that disarmament and arms control efforts were fragmentary. The absence of a comprehensive approach had led to a number of setbacks in disarmament and the resumption of the arms race in several regions. Real and effective disarmament and non-proliferation would not be possible if they were pursued independently without relation to other aspects of global detente. They should be part of a wider system of instruments for the maintenance of international peace and security. There was a need to start the process of elaborating legally binding international security guarantees for States that had renounced nuclear weapons.

47. His delegation commended the Office of Legal Affairs on its continuous efforts to facilitate access to information on United Nations activities in the field of international law, particularly through more active use of electronic media. The United Nations Web site on international law, and particularly the treaty database, should be further developed.

48. **Mr. Al-Adhami** (Iraq) said that the report on the conclusions of the centennial of the first International Peace Conference (A/54/381) constituted an important foundation for follow-up action on the themes discussed. The 1990s had been significant years for the development and codification of international law, which embodied a set of important principles that were none the less meaningless unless all States, without exception, complied with them. It was therefore truly regrettable that violations of such principles continued to occur, as in the imposition of the aerial exclusion zones in northern and southern Iraq by two permanent members of the Security Council, the continuing military attacks on Iraq and the interference in its internal affairs. Such examples revealed the extent of those violations, particularly bearing in mind the responsibility conferred upon the Security Council for the maintenance of international peace and security. The matter constituted a serious issue which should become a major focus of concern with a view to guaranteeing respect for the principles of international law by all States, without distinction.

49. **Mr. Lavalle** (Guatemala) said that his delegation would like to be able to contribute significantly to an evaluation of the achievements of the Decade. For the time being, however, such a task was beyond its powers. His statement should not, however, be construed as implying anything negative. His delegation was convinced that if it had the time and the means to make such an assessment, its conclusions would be totally positive.

50. The information provided in document A/54/362 made it possible to appreciate the magnitude of what had been undertaken in the field of international law. In and of itself, the provision of such information was an extremely positive development. His delegation associated itself with the comments made by Hungary in that connection.

51. The time-frame for the Decade had been chosen correctly. The fact that the closing of the Decade coincided with the centennial of the first International Peace Conference was fraught with symbolism. The 1899 Conference had marked the beginning of the institutionalization of at least one aspect of international relations, that relating to the peaceful settlement of disputes. It was entirely appropriate and commendable that the two States which had sponsored the 1999 Centennial should be the same ones that had sponsored the 1899 Conference.

52. His delegation noted with satisfaction that the reports presented at the Centennial conferences were already on the Internet and would be published shortly. That would round out the publication of the proceedings of the United Nations Congress on Public International Law, held in 1995.

53. His delegation had, with the support of the Costa Rican delegation, submitted to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization a proposal aimed at giving intergovernmental organizations access to the International Court of Justice. It noted with satisfaction the statement in paragraph 99 of document A/54/381, which confirmed its view that the two delegations' efforts would one day bear fruit.

54. With regard to internal armed conflicts, paragraph 76 of document A/54/381 contained noteworthy observations and recommendations concerning the need to enhance the protection afforded to those not taking part in hostilities.

55. While disarmament issues did not fall within the Committee's mandate, his delegation was discouraged by the view expressed in paragraph 37 of the report that the universal application of international law in disarmament matters did not play the role it perhaps should. Furthermore, the reference in paragraph 44 to the need for the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty appeared to be sadly ironic in the light of the recent setback.

56. One aspect of the Decade that was particularly difficult to evaluate was the contribution that the Decade had made to enhancing the knowledge and appreciation of international law on the part of those who were not lawyers or legal scholars. It was to be hoped that the Decade had, by promoting the teaching of international law at the secondary

level, increased the understanding on the part of lay people of the importance and respect that should be accorded to international law.

57. **Mr. Traore** (Burkina Faso) said that his country largely owed its existence and its rights and obligations as a sovereign State to international law; it therefore supported the realization of the themes referred to in the programme of activities for the Decade.

58. As a matter of principle, his country became a party to all legal instruments conducive to an improved international order, peace, cooperation, development and the protection of the environment and human rights. His Government's attachment to international law and its principles symbolized its support for a world of peace, its rejection of diktats and its adherence to the principle of sovereignty.

59. Paradoxically, during a decade supposedly devoted to respect for international law, far too many abuses had occurred, including violations of peace, unlawful reprisals, ambivalent attitudes on the part of the United Nations depending on the conflict zone in question, and a policy on the part of certain States of imposing a fait accompli. His delegation hoped that in the next millennium, international law would be less marked by the exercise of power, more firmly based on principles of equity and justice, unbiased, and based on treaty law.

60. His country, like most African States, had emerged from colonialism to find itself confronted by a pre-existing body of international law. It had therefore played no role in the elaboration of either the principles and basic rules of that law or of the Charter of the United Nations. His Government consequently hoped in the future to be involved in the elaboration of treaties and to benefit from the application of established rules, based on the sovereignty, equality and independence of States. His Government was in favour of an international order in which the strong could not dictate to the weak.

61. **Mr. Mowla** (Bangladesh) said that the Decade had seen advances in the acceptance of and respect for the principles of international law. A welcome debate was taking place on the scope of humanitarian law. Initiatives had been taken to respond to grave violations of human rights and to end impunity for crimes against humanity and other serious crimes.

62. The highlight of the Decade had undoubtedly been the adoption of the Rome Statute of the International Criminal Court. His Government was pleased to be a signatory of the Statute and hoped that it received the support and participation of all States.

63. During the past decade States had increasingly recognized their willingness to adhere to the peaceful settlement of disputes. Sadly, however, violence continued in many parts of the world, and the increase in civilian casualties made it clear that further work was needed.

64. International law had been strengthened through the codification of treaties in various areas, as detailed in document A/54/362. Those efforts should be sustained in the future. One area of focus in that regard should be the adoption of regional instruments. A regional response could prove useful in battling organized crime, terrorism, drug trafficking, small arms proliferation and trafficking in women and children, and in promoting the development of human rights. The South Asian Association for Regional Cooperation had taken initiatives in that regard through the adoption of conventions on the prevention of terrorism and trafficking in women and children.

65. Thanks to the efforts of the United Nations and other organizations, there was now a heightened awareness of international law. Unfortunately, that awareness, was far from uniform all over the world. Millions of citizens of the developing world were unable to read or write, which made a mockery of the achievements on which the international community prided itself.

66. Although the Decade was drawing to a close, the Hague Agenda for Peace and Justice for the Twenty-first Century (A/54/98) provided many useful recommendations for furthering its objectives. The Conference held in May 1999 had been a unique move to mobilize Governments and civil society for a "new diplomacy", aimed at abolishing war and conflict, strengthening international law and institutions, encouraging the peaceful settlement of disputes and promoting a culture of peace.

67. Following the Hague Peace Conference, his delegation had circulated the 50-point Agenda to Heads of State and Government, and had also requested the United Nations to issue the Appeal as a document. His Government had signed the Rome Statute of the International Criminal Court. In September it had hosted the first Asian Parliamentarians Conference for Peace and Cooperation. The parliamentarians had decided to establish institutional mechanisms to follow up their work at the Conference.

68. His Government welcomed the recommendations of the 1999 centennial of the First International Peace Conference of 1899, contained in document A/54/381, and expressed appreciation to the Governments of the

Netherlands and the Russian Federation for organizing the centennial events.

69. **Mr. Rocha** (Bolivia) welcomed the report of the Secretary-General on the Decade (A/54/362) and expressed appreciation to the Governments of the Netherlands and the Russian Federation for the report on the 1999 centennial of the first International Peace Conference of 1899 (A/54/381).

70. His delegation fully endorsed the statement made by Mexico on behalf of the Rio Group. His Government, which had profound respect for the principles and norms of international law, had signed a number of international legal instruments and had held seminars on various draft international, regional and subregional conventions. It had introduced fundamental reforms into its human rights legislation. On the occasion of the fiftieth anniversary of the adoption of the four Geneva Conventions, his Government had established a permanent national commission on human rights to apply international humanitarian law. It was also considering the establishment of a national commission on international law to study ways of implementing the objectives of the Decade.

71. Bolivia had signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

72. **Mr. Hoffmann** (South Africa) said that his delegation had been one of the "Friends of 1999" and had participated in the celebration centennial of the first International Peace Conference, which had also been commemorated at a seminar in Pretoria in 1999. Members of the Southern African Development Community, among others, had participated in the seminar, during which several themes had recurred. One was that despite the lofty aims expressed in 1899 the twentieth century had been characterized by war and suffering. The second was that, even if the stated ideals had not been realized, they continued to be relevant for the third millennium. Thirdly, the aspirations of the first Conference should be understood in the context of its time and place: it had been largely confined to European nations. The Pretoria seminar had thus been informed by the need to re-evaluate the aims of the 1899 Conference in the light of the specific needs of the African continent, and particularly of the southern African region.

73. The aim at the first Conference of alleviating the burden of armaments could not be said to have been attained, but to call the Conference a failure in that respect would be an oversimplification. It had in fact laid the foundations for legal instruments on disarmament and non-proliferation, many of which had been developed during the ensuing century. Despite the passing of the threat of the cold war, however, there could be only cautious optimism regarding further progress in realizing the aspirations of the first Conference. Current discussions on disarmament were characterized by a lack of vision and there was difficulty in getting States to agree even on talks about talks. A renewed commitment to disarmament was needed and the centennial celebrations could play an important role in reminding States why the process should be taken to fruition.

74. It had been emphasized at the Pretoria seminar that it would be unwise to be over-optimistic regarding the post-cold-war world. The occurrence or threat of conflict in smaller nations had not decreased. The potential use of nuclear weapons or weapons of mass destruction remained an ever-present threat, and small arms constituted a real danger. The majority of wars were currently fought with small arms, the use and proliferation of which posed a grave threat to peace, particularly on the African continent. The small arms proliferation in the southern African region was a product both of the past and of current demands, for specific security or criminal purposes. The most effective means of reducing and regulating such arms would be through regional cooperation, for which there was fortunately growing support in the southern African region. The region had several structures for consultation already in place and the challenge would be to make them operational and effective in both the short and the long term.

75. Some of the most fundamental principles for regulating conduct during war had been established in 1899. One of the major weaknesses of the first Conference, however, was that it had not addressed the laws or principles relating to internal armed conflict. That had been left to the Geneva Conventions and even they did not go far enough: the fact that Protocol II to the Geneva Conventions left the interpretation of the definition of an internal conflict to the States involved had generated much discussion at the Pretoria seminar. States were frequently reluctant to concede that a state of conflict existed, with the result that combatants were categorized as transgressors and criminal terrorists, which was contrary to international humanitarian law.

76. It was essential to ensure that humanitarian law was relevant to the new century and to the African continent. The southern African region in particular had been subject to internal conflicts resulting in untold suffering and loss of life and property. Their legacy could not be easily erased, but at least lessons could be learned. The rules of international humanitarian law should also be subject to constant revision, in the sense not of making new laws but of ensuring compliance with existing ones. States should work to instil a culture of compliance, in particular by training soldiers in

humanitarian law. The process begun at the first Conference of codifying the laws of war had made those laws more certain and accessible. States should continue that tradition by adding substance to their laws and making them more accessible. In that context, he drew attention to the advisory services of the International Committee of the Red Cross in promoting and disseminating humanitarian law, which should be actively utilized by States.

77. While acknowledging the importance of the mechanisms for the peaceful settlement of disputes, the seminar had focused on ways of renewing the pre-emptive role of dispute resolution in conflicts, particularly in the southern African region. Some speakers had felt little optimism regarding the role of the International Court of Justice in that regard, since some States showed a propensity for ignoring the Court. It would therefore be desirable to amend the Charter of the United Nations and reform the Security Council. There had also been agreement that regionalism could be a driving force in dispute resolution and that the African continent as a whole should rise to the challenge.

78. The first International Peace Conference had been guided by a humanitarian approach to war. Its spirit could therefore guide the world into the third millennium. Some of its aims, however, had subsequently been misinterpreted and all too often might was assumed to be right. To reverse that trend, cooperation was essential. There must be the political will to view peace as not only a regional but also an international objective.

79. **Mr. Zhadanovich** (Belarus) said that, while the measures taken in connection with the Decade largely strengthened the role of international law and the regulation of international relations, the international community was right to focus on practical questions of implementation, as his delegation had urged at previous sessions.

80. Belarus had undertaken a number of activities in connection with the Decade, notably through its accession to 111 multilateral instruments relating to various aspects of international cooperation. They included the Berne Convention for the Protection of Literary and Artistic Works, the International Labour Organization Abolition of Forced Labour Convention, 1957 (No. 105), the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, among others. The Government would continue its policy of acceding to multilateral treaties.

81. The Decade had coincided with the establishment of Belarus as a sovereign independent State. From the outset, Belarus had expressed its intention of building relations with other States on the basis of equality and justice in accordance with the principles of international law, the supremacy of which should be acknowledged. In the interests of international peace and security, there should be full acknowledgement of the need for sovereign equality between States, non-interference in internal affairs, avoidance of the use or threat of force, and the peaceful settlement of international disputes. A notable event had been the adoption of the 1994 Belarus Constitution, which had established the primacy of international law and the need to enact legislation in accordance with its principles. He called on all States to act in accordance with international law, above all the Charter of the United Nations.

82. The range of higher educational establishments in which international law was taught had been expanded. Priority had been given to State universities, where faculties of international relations and departments of international law had been established. A number of private higher educational institutions with faculties of law — and sometimes international law — had also been set up.

83. The celebration of the centennial of the first International Peace Conference had been a significant event, not least in that it had defined the future direction for the progressive development and codification of international legal norms. His delegation stressed the importance of the principle of the peaceful settlement of disputes in strengthening the international legal system and international relations. It supported the move to develop and adopt a new text on the peaceful settlement of international disputes, taking into account the realities of the current world order, since that would be the logical next step following the existing treaties. A new instrument was essential, given the changes which had taken place over past decades as a result of the greater economic and political interdependence between States and the inevitable emergence of various conflicts.

84. **Mr. Rao** (Observer for the World Intellectual Property Organization (WIPO)) said that the objectives of the Decade were close to the nature and functions of WIPO, which was not only the international secretariat for existing treaty bodies relating to intellectual property but was also unique in that it provided direct access to private innovators and industry for the registration of patents, trademarks and industrial designs for the purpose of international recognition. There were currently 22 treaties under the jurisdiction of WIPO and new legal instruments were being developed in response to scientific and technological

developments. For example, the 1996 WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty updated the existing law, adapting it to the digital age. WIPO also proposed further harmonization of international patent law, taking into account the practices in Member States. To that end it had scheduled a diplomatic conference on the proposed Patent Law Treaty in 2000. Together with the Patent Cooperation Treaty of 1970, the new treaty should provide an integrated and user-friendly system of patent law and procedure. Such harmonization had been achieved also by the adoption of the New Act of the Hague Agreement concerning the International Deposit of Industrial Designs in June 1999. WIPO was also studying the issue of protecting expressions of folklore and indigenous and traditional knowledge. Its role in the progressive development and codification of international law in the field of intellectual property was therefore obvious.

85. WIPO ran training programmes on intellectual property law in developing countries. Following the establishment of the World Trade Organization (WTO), WIPO and WTO had entered into an agreement, which had come into force in 1996, under which WIPO continued to render legal and technical assistance to developing countries with regard to the Agreement on Trade-Related Aspects of Intellectual Property Rights. In addition, WIPO had established a specific institutional mechanism, the Worldwide Academy, which was dedicated to optimizing the use of intellectual property systems by enhancing human resources development programmes at the national and regional levels. WIPO had assisted in the preparation of 136 draft laws on intellectual property. A total of 129 developing and least developed countries and one territory had benefited from its cooperation activities. WIPO also published a monthly periodical entitled *Intellectual Property and Treaties*, with two legislative inserts, *Industrial Property Laws and Treaties* and *Copyright and Neighbouring Rights Laws and Treaties*. In addition, it made its electronic collection of intellectual property laws and treaties available on the Internet.

86. Recognizing the need for quick and inexpensive ways of settling commercial disputes involving intellectual property rights, WIPO had established an Arbitration and Mediation Centre, which could call on more than 800 mediators or arbitrators from over 70 countries.

87. Noting that several paragraphs of the Secretary-General's report (A/54/362) contained information provided by WIPO, he drew attention to the fact that the Internet Corporation for Assigned Names and Numbers, mentioned in paragraph 65, had already met and adopted most of the recommendations made by WIPO to protect owners of intellectual property on the Internet. The conferences mentioned in paragraphs 103 and 104 had duly taken place.

The meeting rose at 5.50 p.m.